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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/696,674	10/27/2003	Dirk Luthardt	(Z)01049 P US

M. Robert Kestenbaum
 11011 Bermuda Dunes NE
 Albuquerque, NM 87111

CONFIRMATION NO. 6818

FORMALITIES LETTER



OC000000013510327

Date Mailed: 08/11/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

11/16/2004 FFANAI2 00000034 10696674

02 FC:1051

130.00 DP

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

BINH

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
(Z) 01049 P US

In Re Application Of: **Luthardt**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/696,674	10/27/2003			2872	6818

Invention: **Binoculars, Particularly Pocket Binoculars**



Mail Stop Missing Parts
COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
08/11/2004
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

IDS with cited reference

Transmittal for response to Notice to File Missing Parts with PTO 2038 to charge \$130 surcharge fee and \$110 one month extension fee

First class mail certificate for 11/11/2004

11/16/2004 FFANAI2 00000034 10696674

01 FC:1251

110.00 OP

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
(Z) 01049 P US

In Re Application Of: **Luthardt**

Application No.
10/696,674

Filing Date
10/27/2003

Examiner

Customer No.

Group Art Unit
2872

Confirmation No.
6818

Invention: Binoculars, Particularly Pocket Binoculars

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

☒ Completion of application fees as calculated below:

☐ Utility application filing fee☐ Design application filing fee

☐ Total number of independent claims =

☐ Total number of claims =

- ☐ Multiple dependent claims

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath

\$130.00

☐ Petition and fee for filing by other than all the inventors or a person not the inventor

☐ Fee for processing an application filed with a non-English language specification

☐ Fee for processing and retention of application

Total completion of application fees \$130.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: 10/11/2004
Date

until: 11/11/2004
Date

Total time extension fees \$110.00

Total fees due \$240.00

**Response To Notice To File Missing Parts Of Application
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In Re Application Of: Luthardt

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Invention: Binoculars, Particularly Pocket Binoculars

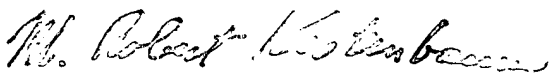
TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of \$240.00 is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 11-0665
- ☒ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, NM 87111
Phone: (505) 323-0771
Fax: (505) 323-0865

Dated: 11/11/2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

11/11/2004

(Date)



Signature of Person Mailing Correspondence

M. Robert Kestenbaum

Typed or Printed Name of Person Mailing Correspondence

CC:

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.
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In Re Application Of: Luthardt

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
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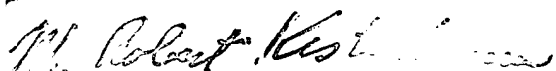
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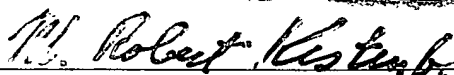
M. Robert Kestenbaum
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11/11/2004

(Date)



Signature of Person Mailing Correspondence

M. Robert Kestenbaum

Typed or Printed Name of Person Mailing Correspondence

cc:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)Applicant(s): **Luthardt**

Docket No.

(Z) 01049 P US

Application No.

10/696,674

Filing Date

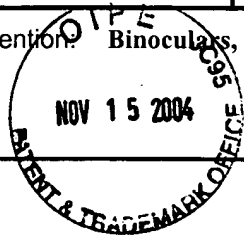
10/27/2003

Examiner

Customer No.

2872

Group Art Unit

Invention: **Binoculars, Particularly Pocket Binoculars**I hereby certify that this **Response to Notice to File Missing Parts, including Declaration & IDS***(Identify type of correspondence)*

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope

addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

11/11/2004*(Date)***M. Robert Kestenbaum***(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in dark ink that reads "M. Robert Kestenbaum".

*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.****Enclosures:**

Copy of Notice to File Missing Parts

Executed Inventors' Declaration with Power of Attorney (6 pages)

PTO 2038 authorizing charging a credit card for the late declaration surcharge fee
and one month extensionTransmittal of Response to Notice to File Missing Parts (3 pages) with additional page for deposit account
IDS with Reference Cited

Acknowledgement postcard certified for 11/11/2004

First Class Mailing Certification certified for 11/8/2004